

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

UNITED STATES OF AMERICA,

Plaintiff,

v.

**No. 16-cv-0132-JAP-SMV
No. 12-cr-1676-JAP**

RENE MANUEL CASILLAS-PAEZ,

Defendant.

ORDER TO CURE DEFICIENCY

THIS MATTER is before the Court on a letter from Defendant requesting “relief pursuant to the Supreme Court case Johnson v. U.S., 135 S.Ct. 2252 [sic] (2015),” which was docketed as a Motion to Vacate, Set Aside, or Correct Sentence under 28 U.S.C. § 2255. [CV Doc. 1, CR Doc. 44]. Pursuant to Rule 2 of the Rules Governing Section 2255 Proceedings for the United States District Courts, a § 2255 motion must “be in the form of a motion to vacate, set aside, or correct the sentence” and must:

- (1) specify all the grounds for relief available to the moving party;
- (2) state the facts supporting each ground;
- (3) state the relief requested;
- (4) be printed, typewritten, or legibly handwritten; and
- (5) be signed under penalty of perjury by the movant or by a person authorized to sign it for the movant.


Rule 2(a)–(b) of the Rules Governing Section 2255 Proceedings. Furthermore, the motion must be on the proper form or substantially follow the proper form. Rule 2(c) of the Rules Governing Section 2255 Proceedings.

Petitioner's letter is not in the form of a motion to vacate, set aside, or correct sentence; does not state the facts supporting his entitlement to relief or the relief requested; is not signed under penalty of perjury; and is not on the proper form nor does it substantially follow the proper form. If Petitioner wishes to pursue relief under 28 U.S.C. § 2255, he must cure these deficiencies and comply with the Rules Governing Section 2255 Proceedings. Failure to timely cure these deficiencies may result in dismissal of his request for relief [CV Doc. 1, CR Doc. 44] without further notice.

IT IS THEREFORE ORDERED that Defendant cure the deficiencies designated no later than **March 21, 2016**.

IT IS FURTHER ORDERED that the Clerk of the Court mail to Defendant, together with a copy of this order, a form 28 U.S.C. § 2255 motion.

IT IS SO ORDERED.



STEPHAN M. VIDMAR
United States Magistrate Judge